CMI Conflict of Interest Policy and Procedure –
Ref: AB/POL/0031/July19/V01

History

Date	Amendments made
July 2019	Merging of Conflict of Interest Policy AB/POL/0001/July18/V04 with Conflict of Interest Procedure AB/PRO/0001/Jul18/V06 (now deleted). Thorough review and amendment of both original documents in line with new internal Conflict of Interest considerations and revised contractor processes. Inclusion of information from Ofqual General Conditions of Recognition and SQA Regulatory Principles

Distribution
- All Quality Managers
- All Lead Moderators
- New Partner Relationship Manager
- Customer Service team
- Assessment and Support Coordinator
- HE Partnership Support Executive
- Digital Delivery
- Quality Auditor
- All CMI Approved and Registered Centres via Policies and Procedures webpage

Scope

This policy applies to all CMI staff (including contractors), and CMI Centres.

Purpose

The purpose of this policy is to set out the guidelines and procedures for identifying, monitoring and managing actual, perceived and potential conflicts of interest relating to the delivery or assessment (including internal verification and external moderation) of CMI qualifications at CMI centres (including CMI acting as a 'Centre'). The document itself can be used as a template for Centres wishing to create their own policy in line with CMI requirements. In completing and submitting a customised version of this template, a Centre acknowledges that there is a requirement to avoid, minimise or eliminate any conflicts of interest.

Introduction

This document applies to all qualifications on framework qualifications. These include the Regulated Qualifications Framework (RQF), the Scottish Credit and Qualifications Framework (SCQF) and the Credit and Qualifications Framework for Wales (CQFW). This policy provides clear arrangements for making identification and management of conflicts of interest in relation to CMI qualifications. This policy sets out:-

- Definition of conflict of interest
- Identification of potential conflicts of interest
- Management of conflicts of interest

Regulatory Requirements and Definition

This policy meets the regulatory requirements set out by the Ofqual/CCEA Regulation/Qualifications Wales General Conditions of Recognition (August 2018):

Condition A4 Conflicts of Interest:
"A4.1 For the purposes of this condition, a conflict of interest exists in relation to an awarding organisation where –
(a) its interests in any activity undertaken by it, on its behalf, or by a member of its Group have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with its Conditions of Recognition,
(b) a person who is connected to the development, delivery or award of qualifications by the awarding organisation has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in accordance with the awarding organisation's Conditions of Recognition, or
(c) an informed and reasonable observer would conclude that either of these situations was the case."

SQA Accreditation's Regulatory Principles (2014) state in Condition 1:
"The awarding body shall have clearly defined and effective governance arrangements. The awarding body must demonstrate effective governance arrangements, which support awarding body functions. Consideration should be given to:
· key committees and groups,
· partnership arrangements,
· conflicts of interest,
· policies and procedures,
· organisational structure."

Potential conflicts

There are a number of potential conflicts of interest, but some common examples could include:

Potential conflict involving Learner assessment

- A member of staff or contractor has a relative that is undertaking a qualification with the CMI centre
- A member of staff or contractor of the Centre undertaking a CMI qualification at that Centre
- A member of staff or contractor assessing the work of a friend, acquaintance or family member undertaking a qualification with the CMI centre
- A contractor acting in different CMI roles for the same centre
- A contractor to CMI acting in a role for a CMI centre (e.g. IV) as well as acting in a role for CMI for that centre (e.g. moderator).

All reasonable steps should be taken to avoid any part of the assessment of a Learner (including Moderation) being undertaken by any person who has a personal interest in the result of the assessment. Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, arrangements should be made for the relevant part of the assessment to be subject to scrutiny by another person.

CMI requires all staff and contractors to declare any involvement in the preparation of any resource or learning materials designed to support Learners, or likely Learners, in the assessment of any qualification for which they are under contract. It also requires contractors to declare internal conflict of interest if they are acting in different roles for CMI for the same centre. Any such declarations will be carefully monitored to ensure that those assessments are not compromised.

Potential conflict involving internal quality assurance
- There is only one Internal Quality Assurer who also has a role as a tutor/deliverer.
- The relationship between the Internal Quality Assurance staff and the assessors lacks independence and objectivity

In the case of there only being one qualified Internal Quality Assurer, there are various methods for managing the potential conflict:

- The Learner work which is produced as a result of the guidance/support provided by that member of staff is sent to the CMI EA marking service.
- If the Learner work is assessed by that member of staff, then another qualified IQA has to be employed to verify her/his assessment decisions.

Potential conflict involving employment terms and conditions
- A member of staff having sole responsibility for the appointment, supervision, promotion or performance review of a person with whom they have close ties (e.g. friend, family member)
- A member of staff whose pay is influenced by positive assessment results

Potential conflict involving competitor organisations
- A member of staff working with/for another employer that is in direct competition with the CMI Centre
- A member of staff or a contractor that is both employed by the Centre and an employer whose Learners they teach or assess

Potential conflict involving Learner work or data
- A member of staff using Learner work for commercial gain or advantage (which may include personal advantage, the advantage of the Centre at which the Learner is registered or the advantage of a competitor organisation)
- A member of staff using non-public CMI Learner or employer data for personal gain

Managing potential conflicts

1 Identification

Good practice is that all stakeholders are required to sign a potential or actual Conflict of Interest statement upon recruitment and to identify through team meetings when a potential conflict is identified. If there is any doubt that the situation represents a potential conflict, it is recommended that it should be declared.

The relevant person will then:

a. Assess the nature of the conflict
b. Assess the risk or threat to the Centre functions
c. Decide whether the conflict warrants further action/mitigation to be taken
d. Decide what steps to take to avoid or manage the conflict or adverse effect

There may need to be a discussion between the person notifying the potential conflict and the relevant person. The purpose of the discussion is to reach a decision about how the conflict will be managed. If the conflict involves the 'relevant person' e.g., Centre Programme Director, further advice should be sought from CMI.

The CMI Centre will firstly try to eliminate the conflict, by assigning another member of staff to undertake the activity. By doing so, this reduces the risk of assessments being compromised and ultimately assessments being voided. Where elimination is not possible due to financial or/and resource implications the CMI Centre will put measures in place which can demonstrate that the conflict is being managed effectively so as not to compromise the outcome of the assessment. Key principles here are transparency and mitigation.

2 Recording conflicts

A register of Conflicts of Interest should be maintained and updated at least annually. For Approved and Registered Centres, the designated Quality Manager may ask to view this register at the scheduled quality assurance visit.

Where a potential Conflict of Interest is identified, the record will contain as a minimum:

- What the conflict of interest is (i.e. Assessor A has a sibling X undertaking a qualification with CMI centre
- When it was identified (i.e. date)
- Who is responsible for managing the conflict of interest (i.e. internal quality assurer, Centre manager, Quality Manager)
- What measures / actions have been implemented to manage this (i.e. Sibling X will be assessed by Assessor B, or where this is not possible the Internal Quality Assurer will ensure greater sampling of sibling X including in-depth questioning, or CMI external assessment service will be utilised.)
- What review mechanisms have been implemented to monitor (i.e. learner interviews, increased sampling)
- When the conflict of interest ceased to be a concern (sibling X left / completed the programme)

The information provided by key stakeholders will be processed in accordance with data protection principles as set out in the Data Protection Act 1998 and GDPR 2018. Data will be processed only for the purpose set out in this policy and not for any other purpose.

3 Managing conflicts

Normally it will be sufficient to:

- Gain an undertaking from the individual to conduct their responsibilities so that the integrity of CMI is maintained, as well as their own integrity
- Reorganise activities and/or key functions so that the conflict is mitigated

If neither of the above steps are possible, another solution must be found. The solution should be in proportion to the nature of the conflict. In extreme circumstances, activities may need to be monitored or even restricted.

4 Monitoring and reviewing conflicts

The Centre is responsible for maintaining a register of interest and will:

a. Record in the register all conflicts and interests
b. Circulate amendments or additions to the register (if any) to all relevant stakeholders
c. Keep a log of any actions taken to manage a conflict of interest

The register of conflicts of interest will be available for inspection by the relevant body.

At each Centre visit, the Quality Manager will review the Centre procedure around conflicts of interest and will evidence any recommendation or improvements on the Centre visit form.